



3627
RJW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/438,957 Confirmation No.: 1078
Applicant(s): Terrell B. Jones
Filed: November 19, 1999
Art Unit: 3627
Examiner: Andrew Rudy
Title: DEMAND AGGREGATION
AND DISTRIBUTION SYSTEM

Docket No.: 023895/257368
Customer No.: 00826

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This correspondence is filed in response to the Office Action dated September 15, 2004. The Office Action relates to some confusion concerning filings made in the application on June 25, 2004 and June 17, 2004. Specifically, the present application is one in a series of patent applications, namely U.S. Application Nos. 09/438,957, 10/289,327, and 10/289,328. On June 17, 2004, Applicant's counsel filed an Amendment in present application. Further, on June 25, 2004, Applicant's counsel filed a request for an interview to interview with the Examiner all three patent applications in the series. The interview request was accompanied by proposed claim amendments for the 10/289,327 application. The top portion of the proposed claim amendments included an indication that the proposed claim amendments were meant for the 10/289,327 application.

As evidenced by the Office Action, it appears that there was a mix up with regard to the proposed claim amendments filed on June 25, 2004 with the interview request. It appears that these proposed claim amendments intended for the 10/287,327 application have been wrongly associated with the present application. To clear up this confusion, Applicant affirmatively

states that the claims as filed by Applicant in the Amendment dated June 17, 2004 are the current set of claims being examined in the present case. As an aid, Applicant has enclosed herewith a copy of the Amendment filed on June 17, 2004 (attached at Exhibit A). The proposed claims filed on June 25, 2004 do not relate to the present application, but instead are intended for the 10/289,327 application.

After reviewing this response, if there are still questions concerning the status of the claims, Applicant requests that the Examiner contact Applicant's counsel Kevin Ransom at 704-444-1017. It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

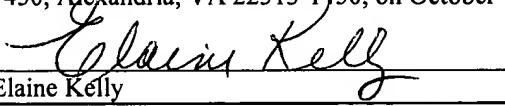


W. Kevin Ransom
Registration No. 45,031

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 7, 2004.



Elaine Kelly

CLT01/4673812v1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/438,957 Confirmation No.: 1078
Applicant(s): Terrell B. Jones
Filed: November 19, 1999
Art Unit: 3627
Examiner: Rena Dye
Title: DEMAND AGGREGATION
AND DISTRIBUTION SYSTEM

Docket No.: 023895/257368
Customer No.: 00826

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT
37 C.F.R. § 1.121

Sir:

In response to the Office Action dated March 12, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks begin on page 12 of this paper.



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date Mailed: June 14, 2004
Atty. Dkt. No. 023895/257368

Application No. 09/438,957; Filing Date November 19, 1999
Inventor(s): Terrell B. Jones; Title of Invention: DEMAND AGGREGATION
AND DISTRIBUTION SYSTEM
Documents Enclosed: Amendment (14 pages).

Check Enclosed none

Kindly acknowledge receipt by placing office stamp hereon and
returning postcard to: Elaine Kelly
ALSTON & BIRD LLP

